

Filed by James Lee
Administrative Patent Judge
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Filed
28 October 2004

Paper 1

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

YORAM NELKEN
Junior Party
(Patent 6,408,277),

v.

ERIC HORVITZ
Senior Party
(Application 09/364,527).

Patent Interference No. 105,248

DECLARATION

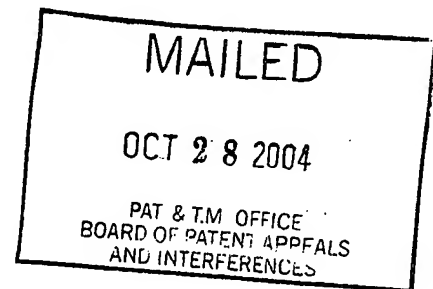
Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

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Part B. Judge managing the interference

Administrative Patent Judge Jameson Lee has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:00 p.m. (eastern) on 21 December 2004** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors:	YORAM NELKEN, Jerusalem, Israel
Patent:	6,408,277, granted 18 June 2002, based on application 09/602,588, filed 21 June 2000
Title:	System and method for automatic task prioritization
Assignee:	Banter Limited
Accorded Benefit:	None

Senior Party

Named Inventors: ERIC HORVITZ
Application: 09/364,527, filed 30 July 1999
Title: Method for automatically assigning priorities
to documents and messages
Assignee: Microsoft, Corp.
Accorded Benefit: None

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Application 09/364,527 claim 36 of Horvitz

or

Patent 6,408,277 claim 1 of Nelken

The claims of the parties are:

Nelken: 1

Horvitz: 36

The claims of the parties which correspond to Count 1 are:

Nelken: 1

Horvitz: 36

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Nelken: none

Horvitz: none

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.

See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Jameson Lee)

YORAM NELKEN
Junior Party
(Patent 6,408,277),

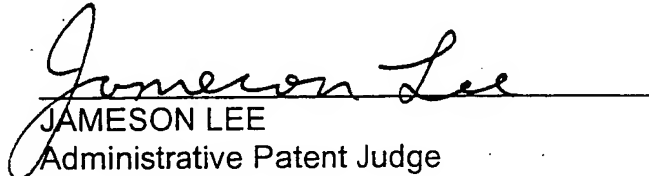
v.

ERIC HORVITZ
Senior Party
(Application 09/364,527).

Patent Interference No. 105,248

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.


JAMESON LEE
Administrative Patent Judge

Enc:

Copy of STANDING ORDER

Form PTO-850

Copy U.S. Patent 6,408,277

Copy of claim of 09/364,527

Revised September 2004

cc (via overnight delivery):

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